

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SCOTT A. WAGNER,

Petitioner,

v.

KELLEH KONTEH, Warden,

Respondent.

CASE NO. 2:05-cv-1131

JUDGE SARGUS


MAGISTRATE JUDGE KING

OPINION AND ORDER

On August 11, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that petitioner's request for a stay, Doc. No. 18, be denied and that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed without prejudice as unexhausted. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This case is **DISMISSED**. The Clerk is **DIRECTED** to enter final judgment dismissing this action.

IT IS SO ORDERED.


9-5-2006
EDMUND A. SARGUS, JR.
United States District Judge